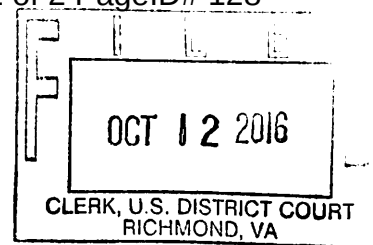


**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**



**UNITED STATES OF AMERICA**

v.

**Criminal Action No. 3:95CR45**

**MARVIN DAMON,**

Petitioner.

**MEMORANDUM OPINION**

By Memorandum Opinion and Order entered on October 15, 2003, the Court denied a 28 U.S.C. § 2255 motion filed by Marvin Damon. (ECF Nos. 604, 605.) On June 27, 2016, the Court received another 28 U.S.C. § 2255 motion from Damon (“§ 2255 Motion,” ECF No. 630). Damon also filed a Motion to Hold § 2255 Motion in Abeyance until Fourth Circuit Rules on § 2244 Motion. (ECF No. 632.) On July 22, 2016, the United States Court of Appeals for the Fourth Circuit denied Damon permission to file a successive § 2255 motion. (ECF No. 634.)

The Antiterrorism and Effective Death Penalty Act of 1996 restricted the jurisdiction of the district courts to hear second or successive applications for federal habeas corpus relief by prisoners attacking the validity of their convictions and sentences by establishing a “gatekeeping mechanism.” *Felker v. Turpin*, 518 U.S. 651, 657 (1996) (internal quotation marks omitted). Specifically, “[b]efore a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.” 28 U.S.C. § 2244(b)(3)(A). The Court has not received authorization from the United States Court of Appeals for the Fourth Circuit to entertain Damon’s § 2255 Motion.<sup>1</sup> Accordingly, the § 2255 Motion (ECF No. 630)

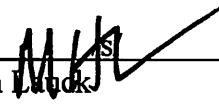
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<sup>1</sup> On July 22, 2016, the Fourth Circuit denied Damon permission to file a successive § 2255 motion. (ECF No. 634.)

will be DISMISSED FOR WANT OF JURISDICTION. Damon's Motion to Hold § 2255 Motion in Abeyance until Fourth Circuit Rules on § 2244 Motion (ECF No. 632) will be DENIED AS MOOT. The Court will deny a certificate of appealability.

An appropriate Final Order will accompany this Memorandum Opinion.

Date: OCT 12 2016  
Richmond, Virginia

  
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M. Hannah Luck  
United States District Judge